

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	O'Donnell et al.)	Examiner:
)	Richard G. Hutson
Serial No.	:	10/671,859)	
)	Art Unit:
Cnfrm. No.	:	8720)	1652
)	
File Date	:	September 26, 2003)	
)	
For	:	BACILLUS STEAROTHERMOPHILUS)	
		TAU, DELTA, AND DELTA PRIME)	
		POLYMERASE SUBUNITS AND USE)	
		THEREOF)	

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the March 3, 2006, written restriction requirement, applicants hereby elect Group I (i.e. claims 1-13) with traverse.

Applicants traverse on the ground that the basis asserted by the U.S. Patent and Trademark Office ("PTO") to justify restriction does not support restriction in this application. The standard to determine whether inventions are unrelated (and restriction may be justified) requires a showing that the inventions "are not disclosed as capable of use together, having different modes of operation, different functions, and different effects." *See* MPEP 806.06. In this case, the PTO merely asserts that the delta, delta prime, and tau polypeptides have different functions and effects. But that assertion, even if true, fails to meet the standard for restriction because the three subunits *are capable of use together*. Claim 9 of the present application explicitly recites a clamp loader complex that includes the three subunits of claim 1 (i.e., delta, delta prime, and tau). Because the inventions are capable of use together, the inventions are related. As related inventions, restriction is improper in this instance.

In addition to the foregoing, applicants submit that all of the invention groups identified in the outstanding office action require common areas and consideration. Since no

benefit is derived from maintaining a restriction requirement, applicants respectfully submit that it should be withdrawn.

In view of all of the foregoing, applicants request withdrawal of the restriction requirement in its entirety.

Respectfully submitted,

Date: May 3, 2006

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